

PTO/SB/21 (10-07)

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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/566,686
	Filing Date	March 8, 2007
	First Named Inventor	Jifeng Liu
	Art Unit	1762
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	MIT-166
Total Number of Pages in This Submission		

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.62 or 1.63	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Exhibit A
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	GOODWIN PROCTER LLP		
Signature	/Natasha Us/		
Printed name	Natasha Us		
Date	November 28, 2007	Reg. No.	44,381

LIBC/3168222

Attorney Docket No. MIT-166  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of Jifeng Liu *et al.*

Application No. 10/566,686

Confirmation No. 9220

Filed: March 8, 2007

Art Unit: 1762

For: METHOD AND STRUCTURE OF STRAIN  
CONTROL OF SiGe BASED  
PHOTODETECTORS AND MODULATORS

Examiner: Not yet assigned

Mail Stop PCT  
Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND UNDER 37 CFR 1.117

A refund is hereby requested of a five-month-extension-of-time fee of \$2,160 charged to deposit account 07-1700 on September 6, 2007, for the above-referenced patent application.

For the reasons that follow, the undersigned attorney submits that this fee was improperly charged and requests a refund thereof.

1. On May 22, 2006, a Notification of Missing Requirements for the above-referenced application was mailed by the U.S. Patent and Trademark Office. The period of response was two months from the date of the Notification, with extensions available under 37 CFR 1.126(a).
2. On July 21, 2006, the undersigned attorney filed a Response to Notification of Missing Requirements, which included a fully executed Declaration and Power of Attorney form.
3. On February 26, 2007, a Notification of Defective Response was mailed from the U.S. Patent and Trademark Office. The Notification states that the submitted Declaration and Power of Attorney is unacceptable because the "declaration document appears to be a compilation of a number of separate declaration documents." The Notification refers to MPEP 201.03(II)(B) for support.
4. Applicant was given the following deadline to complete this requirement:

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Request for Refund  
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- within a time limit of ONE MONTH from the date of this Notification or the time remaining in the response set forth in the Notification of Missing Requirements, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136, but this period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).
5. On March 6, 2007, the undersigned attorney filed a Response to Notification of Defective Response, including a full set of each copy of Declaration and Power of Attorney form executed by the inventors, as evidenced by the stamped postcard received from the USPTO (Exhibit A).
  6. MPEP 202.03(II)(B) recites:  
While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).
  7. In the instant application, each oath or declaration executed by the inventors contained a complete listing of all inventors, unlike the example given in the above-cited section of the MPEP. Although the initial submission did not appear to be in violation of MPEP 202.03(II)(B), the undersigned attorney submitted a full set of each executed copy of the Declaration and Power of Attorney form as a courtesy to the USPTO.
  8. The Response was filed within the one-month time limit set by the Notification of Defective Response.
  9. As stated in the Notification of Defective Response, this one-month time limit is not extendable.
  10. No late fees were incurred by the submission of the Response to Notification of Defective Response because (i) the Response was timely filed within the one-month time limit and (ii) no extensions of the one-month time limit were even available, as the submission was made nearly ten months after the Notification of Missing Requirements, i.e., well after the period for response set in the Notification of Missing Requirements expired.

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Request for Refund  
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11. A refund of \$2,160 corresponding to the improperly charged extension-of-time fee is hereby requested.

Respectfully submitted,

Date: November 28, 2007  
Reg. No.: 44,381

Tel. No.: (617) 570-1806  
Fax No.: (617) 523-1231

/Natasha C. Us/  
Natasha C. Us  
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LIBC/159800.1

EXHIBIT A

MIT-166

(058420/165151)

The "RECEIVED" stamp of the Patent Office imprinted hereon acknowledges the Filing of: Transmittal Form (1 page); Response to Notification of Defective Response (1 page); Declaration and Power of Attorney (17 pages); Supplemental Application Data Sheet (6 pages); all of which are mailed under a Certificate of First Class Mailing Under 37 C.F.R. 1.8.

Name of Applicants: Liu *et al.*

Serial Number 10/566,686

Atty: NCUs

Date: March 6, 2007

LIBC2813177.1

LAPS Rec'd PCT/PTO 08 MAR 2007

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	2519703
<b>Application Number:</b>	10566686
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	9220
<b>Title of Invention:</b>	Method and Structure of Strain Control of Sils Based Photodetectors and Modulators
<b>First Named Inventor/Applicant Name:</b>	Jifeng Liu
<b>Customer Number:</b>	51414
<b>Filer:</b>	Natasha Constantinovna Us/Carrah Malone
<b>Filer Authorized By:</b>	Natasha Constantinovna Us
<b>Attorney Docket Number:</b>	MIT-166
<b>Receipt Date:</b>	28-NOV-2007
<b>Filing Date:</b>	08-MAR-2007
<b>Time Stamp:</b>	16:53:24
<b>Application Type:</b>	U.S. National Stage under 35 USC 371

**Payment Information:**

Submitted with Payment		no			
<b>File Listing:</b>					
Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1		MIT-166Filing.pdf	179215 3 5b0c23e0c0d11 9a0f0a0c2300b16067 c0f2d461	yes	5

Multipart Description/PDF files in .zip description			
Document Description		Start	End
Miscellaneous Incoming Letter		1	1
Refund Request		2	4
Miscellaneous Incoming Letter		5	5

**Warnings:**

**Information:**

Total Files Size (in bytes):	179215
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**  
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

**National Stage of an International Application under 35 U.S.C. 371**  
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

**New International Application Filed with the USPTO as a Receiving Office**  
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

**GOODWIN | PROCTER**

Goodwin Procter LLP  
Counselors at Law  
Exchange Place  
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**F A X T R A N S M I T T A L**

If problems with transmittal, call fax department at 617.570.1498

Date	Total pages	Attorney number	Client/matter number
March 16, 2011		09063	058420-165151
To	Company	Fax number	Telephone
Finance Department	USPTO	571.273.6500	
From		Fax number	Telephone
Caroline K. Lawlor for Natasha C. Us, Esq.		617.523.1231	617.570.8270

**Message:**

Attached are copies of documents previously filed electronically on November 28, 2007 for Application No. 10/566.686 requesting a refund on fees charged to our deposit account. We are looking for a status update on the refund requested. I look forward to hearing from you shortly.

Thank you for your attention to this request.

/Caroline/

Caroline K. Lawlor, Secretary to Natasha C. Us

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